The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE MICROSOFT XBOX 360 SCRATCHED DISC LITIGATION Plaintiff,	Master Cause No. 07-cv-1121-JCC DECLARATION OF LUIS TORRES IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION
This Document Relates To: ALL ACTIONS	

Pursuant to 28 U.S.C. § 1746, I, Luis Torres, declare as follows:

1. I am over the age of 18, have personal knowledge of the information herein and could and would testify thereto. I am a Plaintiff in the above-entitled action and represent two putative classes: Console Owners Class and the Damaged Disc Subclass.

2. In or around February 2006, I purchased an Xbox 360 console. I purchased numerous games for the Xbox 360.

3. On three occasions, I correctly inserted a game disc in the Xbox console, and while playing the game, the console froze. I would then turn the console off and then on again, trying to reset the game, but the Xbox 360 console would not read the disc and the game would not load. On each occasion I ejected the game disc and noticed that it had a deep concentric

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scratch that hadn't been there before. The game discs that were scratched and rendered unplayable were "Major League Baseball 2K6," "Madden NFL 06," and "Call of Duty 2."

4. In or around May or June of 2006, I contacted Microsoft's customer service line to request a replacement of the scratched game discs or a refund of their price, and to have Microsoft repair my Xbox 360 console. Microsoft refused to replace the scratched game discs, blaming me for the scratches and telling me that because Microsoft did not manufacture the game discs, it was not responsible for replacing them.

5. After I contacted Microsoft and received no repair, replacement or reimbursement for my damaged game discs, I attempted to exchange the scratched discs with the retailers where I had purchased them. I was able to exchange "Madden NFL 06" and "Call of Duty 2" which I had purchased from Target. Wal-Mart, however, refused to exchange "Major League Baseball 2K6."

6. I am willing and able to serve as a Class Representative in this litigation. I understand the duties of a Class Representative, including the duty to prosecute this case on behalf of the entirety of the two putative classes to which I belong. I am able and prepared to continue to work with my lawyers to stay informed about the issues in this case and to provide relevant documents and testimony when they are requested.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED this 17 day of November, 2008, at Grand Terrace , California.

LUIS TORRES

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IN RE MICROSOFT XBOX 360 SCRATCHED DISC LITIGATION Plaintiff,	)	Master Cause No. 07-cv-1121-JCC CERTIFICATE OF SERVICE
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I hereby certify that, on November 21, 2008, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

Darren T. Kaplan, Eric Lee, Gregory Edward Keller, Kevin Coluccio, Melissa M. Harnett, Paul L. Stritmatter, Ray W. Kahler, Eric J. Benink, Adam J. Hodkin, David L. Ferguson, Jeffrey M. Ostrow, Vincent D. Slavens, Cassandra L. Kinkead, Charles S. Wright, Fred B. Burnside and Stephen M. Rummage.

s/ Amy Williams-Derry
Amy Williams-Derry, WSBA #28711

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